



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

**[EPA-R05-OAR-2018-0368; EPA-R05-OAR-2018-0556; FRL-9988-38-
Region 5]**

**Air Plan Approval; Illinois; Indiana; Revised Designation of
Illinois and Indiana 2012 PM_{2.5} Unclassifiable Areas**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving Illinois' May 8, 2018 request to revise the designation for the entire State of Illinois from unclassifiable to unclassifiable/attainment and Indiana's July 3, 2018 request to revise the designation for the Indiana portions of the Chicago IL-IN and Louisville KY-IN areas from unclassifiable to unclassifiable/attainment for the 2012 primary and secondary annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). EPA is approving these requests because valid, quality-assured, and certified ambient air monitoring data show that the PM_{2.5} monitors in the areas are meeting the 2012 primary and secondary annual PM_{2.5} NAAQS.

DATES: This final rule is effective on **[insert date 30 days
after date of publication in the Federal Register]**.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2018-0368 (Illinois) or EPA-R05-OAR-2018-0556 (Indiana). All documents in the docket are listed on the www.regulations.gov web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through www.regulations.gov or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Michelle Becker, Life Scientist, at (312) 886-3901 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Michelle Becker, Life Scientist, at (312) 886-3901, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3901, becker.michelle@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background

II. What Action is EPA Taking?

III. Statutory and Executive Order Reviews

I. Background

On December 14, 2012, EPA revised the primary annual NAAQS for PM_{2.5} to a level of 12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), based on a 3-year average of annual mean PM_{2.5} concentrations. See 78 FR 3085 (January 15, 2013). EPA established the standard based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to particulate matter.

The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d)(1) of the Clean Air Act (CAA). On January 15, 2015 (80 FR 2206) and April 7, 2015 (80 FR 18535), EPA designated areas across the country as nonattainment, unclassifiable, or unclassifiable/attainment for the PM_{2.5} NAAQS based upon air quality monitoring data from monitors for calendar years 2011-2013 or 2012-2014.

In the first action, EPA designated the entire State of Illinois, including the multi-State areas of Chicago, IL-IN and St. Louis, MO-IL as unclassifiable because the ambient air quality monitoring sites lacked complete data for the relevant periods, which were from 2011-2013. Therefore, EPA could not determine, based on available information, whether those areas

were meeting the 2012 PM_{2.5} NAAQS. EPA also designated the Louisville, KY-IN area as nonattainment, based on monitoring data for Indiana counties Clark and Floyd for 2011-2013 showing that a monitor in Clark County had a design value above the standard.

However, in the April 7, 2015 (80 FR 18535) action, EPA changed the designation for Louisville, KY-IN area from nonattainment to unclassifiable due to invalid monitoring data for Jefferson County, Kentucky.

On May 8, 2018, Illinois submitted a request to revise the designation for the entire State of Illinois from unclassifiable to unclassifiable/attainment and on July 3, 2018 Indiana submitted a request to revise the designation for the Indiana portions of the Chicago IL-IN and Louisville KY-IN areas from unclassifiable to unclassifiable/attainment for the 2012 annual PM_{2.5} NAAQS.

In a notice of proposed rulemaking (NPRM) published on October 9, 2018 (83 FR 50556), EPA proposed to approve Illinois' request to revise the entire State of Illinois from unclassifiable to unclassifiable/attainment, and Indiana's request to similarly revise the designation for the Indiana portions of the Chicago IL-IN and Louisville KY-IN, for the 2012 annual PM 2.5 NAAQS. The details of Illinois' and Indiana's submittals and the rationale for EPA's actions are further

explained in the NPRM. EPA did not receive any adverse comments on the proposed action.

II. What Action is EPA Taking?

EPA is approving Illinois' May 8, 2018 request to revise the designation of the entire State from unclassifiable to unclassifiable/attainment as well as Indiana's July 3, 2018 request to similarly revise the designation of the Indiana portions of the Louisville and Chicago areas for the 2012 annual PM_{2.5} NAAQS. The revised designations change the legal designation, found at 40 CFR part 81, for the Illinois and Indiana counties of Lake, Porter, Clark, and Floyd from unclassifiable to unclassifiable/attainment for the 2012 annual PM_{2.5} NAAQS.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required

information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[insert date 60 days after date of publication in the Federal Register]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control,
Particulate matter.

Dated: December 12, 2018.

Cathy Stepp,
Regional Administrator, Region 5.

40 CFR part 81 is amended as follows:

PART 81-DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Section 81.314 is amended by removing the table entitled “Illinois–2012 24-Hour PM_{2.5} NAAQS” and adding the table entitled “Illinois–2012 Annual PM_{2.5} NAAQS” in its place to read as follows:

§81.314 Illinois.

* * * * *

ILLINOIS–2012 ANNUAL PM_{2.5} NAAQS

[Primary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Chicago, IL-IN:				
Cook County		Unclassifiable/Attainment		
DuPage County		Unclassifiable/Attainment		
Grundy County (part)		Unclassifiable/Attainment		
Goose Lake and Aux Sable Townships		Unclassifiable/Attainment		
Kane County		Unclassifiable/Attainment		

Kendall County (part)		Unclassifi able/Attai nment		
Oswego Township		Unclassifi able/Attai nment		
Lake County		Unclassifi able/Attai nment		
McHenry County		Unclassifi able/Attai nment		
Will County		Unclassifi able/Attai nment		
Davenport-Moline-Rock Island, IL:				
Rock Island County		Unclassifi able/Attai nment		
Henry County		Unclassifi able/Attai nment		
Mercer County		Unclassifi able/Attai nment		
St. Louis, MO-IL:				
Madison County		Unclassifi able/Attai nment		
Monroe County		Unclassifi able/Attai nment		
Randolph County (part)		Unclassifi able/Attai nment		
Baldwin Village		Unclassifi able/Attai nment		
St. Clair County		Unclassifi able/Attai nment		
Rest of State:				
Adams County		Unclassifi able/Attai nment		

Alexander County		Unclassifi able/Attai nment		
Bond County		Unclassifi able/Attai nment		
Boone County		Unclassifi able/Attai nment		
Brown County		Unclassifi able/Attai nment		
Bureau County		Unclassifi able/Attai nment		
Calhoun County		Unclassifi able/Attai nment		
Carroll County		Unclassifi able/Attai nment		
Cass County		Unclassifi able/Attai nment		
Champaign County		Unclassifi able/Attai nment		
Christian County		Unclassifi able/Attai nment		
Clark County		Unclassifi able/Attai nment		
Clay County		Unclassifi able/Attai nment		
Clinton County		Unclassifi able/Attai nment		
Coles County		Unclassifi able/Attai nment		
Crawford County		Unclassifi able/Attai nment		

Cumberland County		Unclassifi able/Attai nment		
DeKalb County		Unclassifi able/Attai nment		
De Witt County		Unclassifi able/Attai nment		
Douglas County		Unclassifi able/Attai nment		
Edgar County		Unclassifi able/Attai nment		
Edwards County		Unclassifi able/Attai nment		
Effingham County		Unclassifi able/Attai nment		
Fayette County		Unclassifi able/Attai nment		
Ford County		Unclassifi able/Attai nment		
Franklin County		Unclassifi able/Attai nment		
Fulton County		Unclassifi able/Attai nment		
Gallatin County		Unclassifi able/Attai nment		
Greene County		Unclassifi able/Attai nment		
Grundy County (remainder)		Unclassifi able/Attai nment		
Hamilton County		Unclassifi able/Attai nment		

Hancock County		Unclassifi able/Attai nment		
Hardin County		Unclassifi able/Attai nment		
Henderson County		Unclassifi able/Attai nment		
Iroquois County		Unclassifi able/Attai nment		
Jackson County		Unclassifi able/Attai nment		
Jasper County		Unclassifi able/Attai nment		
Jefferson County		Unclassifi able/Attai nment		
Jersey County		Unclassifi able/Attai nment		
Jo Daviess County		Unclassifi able/Attai nment		
Johnson County		Unclassifi able/Attai nment		
Kankakee County		Unclassifi able/Attai nment		
Kendall County (remainder)		Unclassifi able/Attai nment		
Knox County		Unclassifi able/Attai nment		
La Salle County		Unclassifi able/Attai nment		
Lawrence County		Unclassifi able/Attai nment		

Lee County		Unclassifi able/Attai nment		
Livingston County		Unclassifi able/Attai nment		
Logan County		Unclassifi able/Attai nment		
McDonough County		Unclassifi able/Attai nment		
McLean County		Unclassifi able/Attai nment		
Macon County		Unclassifi able/Attai nment		
Macoupin County		Unclassifi able/Attai nment		
Marion County		Unclassifi able/Attai nment		
Marshall County		Unclassifi able/Attai nment		
Mason County		Unclassifi able/Attai nment		
Massac County		Unclassifi able/Attai nment		
Menard County		Unclassifi able/Attai nment		
Montgomery County		Unclassifi able/Attai nment		
Morgan County		Unclassifi able/Attai nment		
Moultrie County		Unclassifi able/Attai nment		

Ogle County		Unclassifi able/Attai nment		
Peoria County		Unclassifi able/Attai nment		
Perry County		Unclassifi able/Attai nment		
Piatt County		Unclassifi able/Attai nment		
Pike County		Unclassifi able/Attai nment		
Pope County		Unclassifi able/Attai nment		
Pulaski County		Unclassifi able/Attai nment		
Putnam County		Unclassifi able/Attai nment		
Randolph County (remainder)		Unclassifi able/Attai nment		
Richland County		Unclassifi able/Attai nment		
Saline County		Unclassifi able/Attai nment		
Sangamon County		Unclassifi able/Attai nment		
Schuyler County		Unclassifi able/Attai nment		
Scott County		Unclassifi able/Attai nment		
Shelby County		Unclassifi able/Attai nment		

Stark County		Unclassifi able/Attai nment		
Stephenson County		Unclassifi able/Attai nment		
Tazewell County		Unclassifi able/Attai nment		
Union County		Unclassifi able/Attai nment		
Vermilion County		Unclassifi able/Attai nment		
Wabash County		Unclassifi able/Attai nment		
Warren County		Unclassifi able/Attai nment		
Washington County		Unclassifi able/Attai nment		
Wayne County		Unclassifi able/Attai nment		
White County		Unclassifi able/Attai nment		
Whiteside County		Unclassifi able/Attai nment		
Williamson County		Unclassifi able/Attai nment		
Winnebago County		Unclassifi able/Attai nment		
Woodford County		Unclassifi able/Attai nment		

¹Includes Indian Country located in each county or area, except as otherwise specified.

²This date is **[insert date 30 days after date of publication in the Federal Register]**, unless otherwise noted.

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3. Section 81.315 is amended by revising the entries
"Louisville, KY-IN:" and "Chicago Area, IL-IN:" in the table
entitled "Indiana-2012 Annual PM_{2.5} NAAQS" to read as follows:

§81.315 Indiana.

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INDIANA-2012 ANNUAL PM_{2.5} NAAQS

[Primary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Louisville, KY-IN:				
Clark County	[insert date 30 days after date of publication in the Federal Register]	Unclassifi able/Attai nment		
Floyd County	[insert date 30 days after date of publication in the Federal Register]	Unclassifi able/Attai nment		
Chicago Area, IL-IN:				
Lake County	[insert date 30 days after date of publication in the Federal Register]	Unclassifi able/Attai nment		

Porter County	[insert date 30 days after date of publication in the Federal Register]	Unclassifi able/Attai nment		
* * * * *	*			

¹Includes areas of Indian country located in each county or area, except as otherwise specified.

²This date is April 15, 2015, unless otherwise noted.

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[FR Doc. 2018-27903 Filed: 12/26/2018 8:45 am; Publication Date: 12/27/2018]